



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF CONSERVATION
LAND USE REGULATION COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

PATRICK McGOWAN
COMMISSIONER

PERMIT

DEVELOPMENT PERMIT DP 4704; EC 04-045

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by Guy Clark for Development Permit DP 4704, finds the following facts:

1. Applicant: Guy Clark
PO Box 868
Ashland, Maine 04732
2. Date of Completed Application: November 16, 2004
3. Location of Proposal: Garfield Plt., Aroostook County
Lots #28A and #33 on Plan 05
4. Zoning: (M-GN) General Management Subdistrict
5. Lot Size: 180 Acres (owned)
6. Principal Building: Existing Garage (61 ft. by 93 ft.)
7. Accessory Structures: Existing Storage Building (30 ft. by 40 ft.)
Existing Storage Building (50 ft. by 80 ft.)
Existing Potato House (50 ft. by 250 ft.)
Proposed Pole Storage Building (60 ft. by 60 ft.)
8. Sewage Disposal: Existing Combined System

Background Information:

9. The applicant's lot was originally developed with a pre-Commission 61 foot by 93 foot garage and a 50 foot by 250 foot potato house, original used for commercial potato farming. The garage is set back 42 feet from Hacker Farm Road and the potato house is set back 48 feet from Hacker Farm Road. The applicant's lot was later developed with a 30 foot by 40 foot storage building and 50 foot by 80 foot storage building, both associated with commercial potato farming. Both storage buildings are set back at least 100 feet from all roads.
10. In September of 2002, the applicant purchased the property and began to use the garage, the 30 foot by 40 foot storage building, and the parking area for truck and equipment storage associated with his trucking business, MTK Inc without prior permit approval [Reference: Enforcement Case: EC 04-045]. Vehicle maintenance and office work is also done out of the garage. The potato house and 50 foot by 80 foot storage building are utilized by a local farmer for storage of farm equipment and produce.

Proposal:

CATHERINE M. CARROLL, DIRECTOR

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11. The applicant now seeks after-the-fact approval for truck and vehicle storage and other associated use of the existing garage, 30 foot by 40 foot storage building, and surrounding parking area. The applicant also proposes to construct a 60 foot by 60 foot pole building for truck storage. The pole building would be located in the existing parking area and would be used to store the applicant's trucks.
12. The applicant has submitted information demonstrating sufficient technical and financial capacity. All rubbish and other solid wastes would be disposed of by at the Aroostook Valley Solid Waste Disposal District Facility in Ashland. Waste oil would be burned by the applicant in a furnace. Fire protection would be provided by the Ashland Fire Department.
13. The applicant's lot provides sufficient parking and allows for safe egress onto the Hacker Farm Road.

Relevant Review Criteria:

14. Under provisions of Section 10.26,D,2 of the Commission's Land Use Districts and Standards the minimum setback for nonresidential structures is 75 feet from roadways such as Hacker Farm Road.
15. The proposed pole building complies with Sub-Chapter III of the Commission's Land Use Districts and Standards.
16. Under the provisions of Section 10.11,C,4 of the Commission's Land Use Districts and Standards, the use of a nonconforming structure shall not be changed without permit approval.
17. Under provisions of section 10.11,B,1 of the Commission's Land Use Districts and Standards, permits are required for all expansions, reconstructions, relocations, changes of use, or other development of nonconforming structures, uses and lots, except where specifically provided in this section 10.11. In order to obtain a permit, the applicant must meet the approval criteria in 12 M.R.S.A. Section 685-B(4) and demonstrate that the project will not adversely affect surrounding uses and resources and that there is no increase in the extent of nonconformance, except in instances where a road setback is waived by the Commission in order to increase the extent of conformance with a waterbody setback.
18. Under the provisions of Section 10.22,A,3,c(26) of the Commission's Land Use Districts and Standards, truck and equipment storage are allowed within (M-GN) General Management Subdistricts upon issuance of a permit.
19. Under the provisions of Section 10.22,A,3,c(29) of the Commission's Land Use Districts and Standards, other structures, uses, or services that are essential to the truck and equipment storage are allowed within (M-GN) General Management Subdistricts upon issuance of a permit.
20. The facts are otherwise as represented in Development Permit Application DP 4704 and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed change of use of the nonconforming garage would be in compliance with Section 10.11,B,1 of the Commission's Land Use Districts and Standards in that the proposed use would not adversely affect surrounding uses and resources and would not increase in the extent of nonconformance.

2. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the staff approves the application of Guy Clark with the following conditions:

1. The Standard Conditions (ver. 10/90), a copy of which is attached.
2. The standards for Vegetative Clearing, Section 10.27,B of the Commission's Land Use Districts and Standards, a copy of which is attached.
3. The standards for Filling and Grading, Section 10.27,F of the Commission's Land Use Districts and Standards, a copy of which is attached.
4. The permitted pole building must be set back a minimum of 75 feet from all roads and 25 feet from other property boundary lines.
5. Nothing in this permit shall be construed to release the permittee from any liability or responsibility arising from any violation, including Enforcement Case EC 04-045, or to be considered a waiver of the authority of the Commission or the State to fully pursue or prosecute such violations.
6. The lot may not be further divided without the prior review and approval of the Maine Land Use Regulation Commission. In addition, certain restrictions, including subdivision, setback and minimum lot size requirements, and activities on the original parcel from which the lot was first divided, may limit or prohibit a redivision of the lot in the future. The permittee is hereby advised to consult applicable land use laws and rules and with the Maine Land Use Regulation Commission prior to any future redivision of the lot.

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT AUGUSTA, MAINE, THIS 23RD DAY OF NOVEMBER, 2004.

By: 
for Catherine M. Carroll, Director